

SEP 26 2018



a memorandum from the

Glendale Police Department

Employee Relations

Integrity • Courage • Excellence • Respect • Compassion • Dedication

DATE: 9-26-2018
TO: Matthew Schneider #12251, Police Officer
FROM: Rich LeVander, Assistant Chief of Police *RL*
SUBJECT: NOTICE TO SUSPEND WITHOUT PAY FOR THIRTY (30) WORKING HOURS

This memorandum serves as a Notice of Suspension without pay for thirty (30) working hours from your position as a Police Officer with the City of Glendale. This action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation [2017-073] into allegations of unlawful traffic stop, unlawful arrest, and excessive force used against a handcuffed subject. The finding of this investigation sustained allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

BACKGROUND

On July 26th, 2017 at approximately 1930 hours you were conducting intensive patrol at the Motel 6 located at 7116 N. 59th Ave. You were riding as a two-man unit assigned to the Neighborhood Response Squad (NRS) out of the Gateway Division. You were driving in the north alleyway of the Motel 6 when you stated you observed the violator vehicle fail to use a turn signal when turning into the Motel 6 off Glenn Drive. You were the driver of the police vehicle and told your partner you observed the vehicle fail to signal prior to its turn. After initiating the traffic stop, you contacted the front passenger. Also, in the vehicle was the driver and two children in the back seat with their mother.

You asked for all the occupants IDs and notified the driver the reason for the stop was failure to signal turning into the Motel 6. The front passenger questioned you why he must provide ID because he did nothing wrong. You explained he must provide ID pursuant to ARS titles being a passenger in a vehicle on a traffic stop. You threatened to take him in for fingerprints if he failed to provide his information. The front passenger reached into a backpack and center console. You ordered him to stop reaching into his bag. You opened the passenger door and went hands on to detain the subject. You placed the subject in an arm bar. You threatened to use your taser and placed the taser on the subject's shoulder. The subject was compliant and didn't resist. You applied more pressure to the arm bar which caused the subject to pull away from the pain further into the car. Officer Lindsey drive-stunned the subject in the back which caused him to turn away from you and Officer Lindsey. The female passenger swung a grocery bag filled with soda cans from the back seat which hit Officer Lindsey in the head and he was rendered unconscious. You took a step back and deployed probes onto the male suspect.

The subject was handcuffed with his hands behind his back by Officer Fernandez. You

assisted getting the subject into handcuffs by drive-stunning him in the upper back for pain compliance. The subject got tangled in the seatbelt and was taken to the ground by Officer Fernandez. Officer Fernandez had control of the subject who was face-down and handcuffed on the ground. The male suspect was no longer resisting once the handcuffs were applied. You delivered a 2 or 3 second drive stun to the suspect's right shoulder. This application of force was not within policy as the resistance had stopped.

The male suspect was complying with Officer Fernandez while your attention was directed towards the female suspect, who was now being taken into custody. The suspect's feet were close to where you were standing, when the male suspect swung his legs around and appeared to kick you. You reacted by kicking him in the groin. You stated you kicked the suspect in the groin with the tip of your right boot. You then placed your taser on his right buttock near his intergluteal cleft (taint) and drive-stunned the subject in the right lower buttocks/groin. The pain of the drive-stun caused him to kick away, hitting your taser. The subject stopped kicking and put his legs in the fetal position and was stood up by Officer Fernandez, when you delivered a second kick to his groin.

Based upon the suspect's lack of resistance at the time of your use of force, review of the video-recordings, and subject matter expert review of all of the circumstances, the amount of force you used against the suspect was unreasonable and unnecessary. Therefore, the allegations against you are **SUSTAINED**.

Additionally, you did not report to Patrol Supervisor Sgt. Bousman that you delivered kicks to the suspect's groin. Pursuant to G.O. 23.006 Reporting/Documenting Response to Resistance, hard empty hand strikes and/or kicks must be immediately reported to a Patrol Sergeant.

Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy. You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees.

PREVIOUS DISCIPLINARY ACTIONS

DI2017-055, you were investigated for Workplace Harassment. As a result of this investigation, on June 29, 2018 you received a Written Reprimand.

POLICY VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties,

avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Conduct unbecoming of a City employee
- Abuse of authority over the public
- Unauthorized physical contact, upon another person, while on duty
- Conduct, which is a conflict in the performance of your duties

Your conduct is also in violation of the following Glendale Police Department General Orders:

G.O. 23.002 Response to Resistance

Employees will follow policies, orders, directives and regulations, either written or oral.

23.002 Philosophy

A. Response to Resistance (RTR): It is the philosophy of the Glendale Police Department to use only the amount of force or control reasonably necessary to conduct lawful public safety activities and the mission of the department. The method of force/control used is predicated on the circumstances of the contact and the amount of resistance presented by the suspect. Employees will only use the amount of force/control reasonably necessary to overcome this resistance, protect property, and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives. Deadly force should not be used unless an employee reasonably believes it is necessary to protect the employee or other persons from imminent danger of death or serious physical injury.

Sanction: G.O. 23.002 Response to Resistance

Failure to comply with policies, orders, directives, regulations, etc., either oral or written when violation of such policy, order, directive, regulation, etc. involves untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the Department.

CLASS 6

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees and reflect poorly on the Department. Your conduct demonstrates a serious lack of judgment and professionalism. Such conduct diminishes the public's trust and is inconsistent with the manner in which the Police Department expects officers to conduct themselves.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your violation of Department and City rules and policies, I am suspending you without pay for thirty (30) working hours.

Consistent with General Order 21.073 Testing Guidelines for Performance Based Assignments, this memorandum shall become part of the Professional Standards Unit file review, and will be considered throughout the duration of the disciplinary probation and in the selection process for future assignments and promotional opportunities.


You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

DUE PROCESS

You are hereby notified that Human Resources Policies and Procedures 513.II.G.2.e gives you fourteen (14) calendar days from receipt of this letter in which to file a written Notice of Appeal of this action to the City Personnel Board. This Notice should be directed to Jim Brown, Director Human Resources and Risk Management, 5850 West Glendale Avenue, Glendale, AZ 85301. Failure to file a written Notice of Appeal by 5:00 p.m. on 10-10-2018, 2018, waives your procedural due process rights and terminates your right to a hearing relative to your suspension.

Acknowledgement of Receipt:

 12251
Matthew Schneider
9/26/18
Date Received

Served by:  9281
Brandon Blanco, Police Commander
9/26/18
Date Served



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

DATE: 8-23-2018
TO: Matthew Schneider #12251, Police Officer
FROM: Rich LeVander, Assistant Chief of Police (AL)
SUBJECT: **NOTICE OF INTENT TO SUSPEND WITHOUT PAY FOR THIRTY (30) WORKING HOURS AND PLACE ON DISCIPLINARY PROBATION FOR SIX (6) MONTHS**

The purpose of this memorandum is to inform you of my intent to suspend you without pay for thirty (30) working hours and place you on disciplinary probation for six (6) months. This intended action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation [2017-073] into allegations of unlawful traffic stop, unlawful arrest, and excessive force used against a handcuffed subject. The finding of this investigation sustained allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

BACKGROUND

On July 26th, 2017 at approximately 1930 hours you were conducting intensive patrol at the Motel 6 located at 7116 N. 59th Ave. You were riding as a two-man unit assigned to the Neighborhood Response Squad (NRS) out of the Gateway Division. You were driving in the north alleyway of the Motel 6 when you stated you observed the violator vehicle fail to use a turn signal when turning into the Motel 6 off Glenn Drive. You were the driver of the police vehicle and told your partner you observed the vehicle fail to signal prior to its turn. After initiating the traffic stop, you contacted the front passenger. Also, in the vehicle was the driver and two children in the back seat with their mother.

You asked for all the occupants IDs and notified the driver the reason for the stop was failure to signal turning into the Motel 6. The front passenger questioned you why he must provide ID because he did nothing wrong. You explained he must provide ID pursuant to ARS titles being a passenger in a vehicle on a traffic stop. You threatened to take him in for fingerprints if he failed to provide his information. The front passenger reached into a backpack and center console. You ordered him to stop reaching into his bag. You opened the passenger door and went hands on to detain the subject. You placed the subject in an arm bar. You threatened to use your taser and placed the taser on the subject's shoulder. The subject was compliant and didn't resist. You applied more pressure to the arm bar which caused the subject to pull away from the pain further into the car. Officer Lindsey drive-turned the subject in the back which caused him to turn away from you and Officer Lindsey. The female passenger swung a grocery bag filled with soda cans from the back seat which hit Officer Lindsey in the head and he was rendered unconscious. You took a step back and deployed probes onto the male suspect.

The subject was handcuffed with his hands behind his back by Officer Fernandez. You assisted getting the subject into handcuffs by drive-stunning him in the upper back for pain compliance. The subject got tangled in the seatbelt and was taken to the ground by Officer Fernandez. Officer Fernandez had control of the subject who was face-down and handcuffed on the ground. The male suspect was no longer resisting once the handcuffs were applied. You delivered a 2 or 3 second drive stun to the suspect's right shoulder. This application of force was not within policy as the resistance had stopped.

The male suspect was complying with Officer Fernandez while your attention was directed towards the female suspect, who was now being taken into custody. The suspect's feet were close to where you were standing, when the male suspect swung his legs around and appeared to kick you. You reacted by kicking him in the groin. You stated you kicked the suspect in the groin with the tip of your right boot. You then placed your taser on his right buttock near his intergluteal cleft (taint) and drive-stunned the subject in the right lower buttocks/groin. The pain of the drive-stun caused him to kick away, hitting your taser. The subject stopped kicking and put his legs in the fetal position and was stood up by Officer Fernandez, when you delivered a second kick to his groin.

Based upon the suspect's lack of resistance at the time of your use of force, review of the video-recordings, and subject matter expert review of all of the circumstances, the amount of force you used against the suspect was unreasonable and unnecessary. Therefore, the allegations against you are **SUSTAINED**.

Additionally, you did not report to Patrol Supervisor Sgt. Bousman that you delivered kicks to the suspect's groin. Pursuant to G.O. 23.006 Reporting/Documenting Response to Resistance, hard empty hand strikes and/or kicks must be immediately reported to a Patrol Sergeant.

Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy. You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees.

PREVIOUS DISCIPLINARY ACTIONS

DI2017-055, you were investigated for Workplace Harassment. As a result of this investigation, you received a Written Reprimand.

POLICY VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of

personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Conduct unbecoming of a City employee
- Abuse of authority over the public
- Unauthorized physical contact, upon another person, while on duty
- Conduct, which is a conflict in the performance of your duties

Your conduct is also in violation of the following Glendale Police Department General Orders:

G.O. 23.002 Response to Resistance

Employees will follow policies, orders, directives and regulations, either written or oral.

23.002 Philosophy

A. Response to Resistance (RTR): It is the philosophy of the Glendale Police Department to use only the amount of force or control reasonably necessary to conduct lawful public safety activities and the mission of the department. The method of force/control used is predicated on the circumstances of the contact and the amount of resistance presented by the suspect. Employees will only use the amount of force/control reasonably necessary to overcome this resistance, protect property, and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives. Deadly force should not be used unless an employee reasonably believes it is necessary to protect the employee or other persons from imminent danger of death or serious physical injury.

Sanction: G.O. 23.002 Response to Resistance

Failure to comply with policies, orders, directives, regulations, etc., either oral or written when violation of such policy, order, directive, regulation, etc. involves untruthfulness or other ethical offenses, any felonious conduct, or offenses that create or pose the potential for critical adverse impact on public safety or the professional image of the Department.
CLASS 6

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees and reflect poorly on the Department. Your conduct demonstrates a serious lack of judgment and professionalism. Such conduct diminishes the public's trust and is inconsistent with the manner in which the Police Department expects officers to conduct themselves.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your violation of Department and City rules and policies, it is my intent to suspend you without pay for thirty (30) working hours and place you on disciplinary probation for six (6) months.

Consistent with General Order 21.073 Testing Guidelines for Performance Based Assignments, this memorandum shall become part of the Professional Standards Unit file review, and will be considered throughout the duration of the disciplinary probation and in the selection process for future assignments and promotional opportunities.

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

EMPLOYEE ASSISTANCE PROGRAM

I would like to make you aware that the City's Employee Assistance Program (EAP) is available to you through EAP Preferred. I have attached a brochure for your information. This program provides professional support services designed to help people cope with a variety of personal and work-related issues. They offer confidential services and are available 24 hours a day. I would advise you to take advantage of this resource should you find the need to do so.

DUE PROCESS

Be advised that in accordance with the City of Glendale Human Resources Policies and Procedures, Policy 513, Section II.G.2.e.i.4, you have the right to respond orally or in writing, to this intended action within seven (7) calendar days of receipt of this Notice. If you intend to exercise this right, your response, either written or verbal, must be received by Rick St John, Chief of Police, through Claire Huel, Management Aide to the Chief of Police at the Public Safety Building, 6835 N. 57th Drive, Glendale, Arizona 85301, (623) 930-3059, by 5:00 p.m. on August 30, 2018. Failure to respond within that time period forfeits your right to respond.

Acknowledgement of Receipt:



Matthew Schneider

8/23/18

Date Received

Served by:



Brandon Blanco, Police Commander

8/23/18

Date Served

Attachments:

1. Administrative Investigation DI#2017-073
2. City of Glendale Human Resources Policies and Procedures #504
3. City of Glendale Human Resources Policies and Procedures #513
4. City of Glendale Police Department General Order 23.002
5. Employee Assistance Program Brochure



a memorandum from the

Glendale Police Department

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DATE: June 29th, 2018
TO: Matthew Schneider, Police Officer #12251
FROM: Rich LeVander, Assistant Chief of Police *RL*
SUBJECT: **WRITTEN REPRIMAND**

This memo is an official Written Reprimand. The purpose of this Written Reprimand is to inform you of deficiencies in your work performance and to establish my expectations for improving your performance. An Administrative Investigation, #2017-055, was conducted and the allegation(s) against you was sustained. This disciplinary action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. Specifically, findings of an internal administrative investigation substantiated that you engaged in behavior that was identified as acts of prohibited workplace harassment which led to a hostile work environment. Additionally, findings of the investigation concluded that you engaged in unprofessional and unbecoming conduct that undermined the success of the Gateway Neighborhood Response Squad (NRS) by not complying with your leadership's orders and vision. Your conduct negatively impacted your working relationship with current and past squad members and the cohesiveness of the NRS squad. Your actions constitute major performance deficiencies in violation of City policy.

BACKGROUND

An officer assigned to the NRS squad brought forth a complaint which outlined several concerns with the Gateway Neighborhood Response Squad. Specifically, the complaint alleged that a female officer was experiencing a Hostile Work Environment and Workplace Harassment, and then further identified yourself as the main source of conflict within the Unit. An internal investigation was conducted into this matter. Investigative findings substantiated allegations of unbecoming conduct in the workplace and workplace harassment in which you were identified as contributing to the dysfunction within the Unit:

- The inquiry did identify concerns with your behavior with members of the squad as it relates to conduct which created and intimidating, hostile, or offensive work environment.
- The inquiry did identify concerns with a specific interaction that escalated to physical contact between you and the reporting co-worker on the squad, which resulted in prohibited harassment. This incident, which could have resulted in a physical injury, was not fully investigated at the time of occurrence, nor properly documented.

During the course of this investigation several witnesses brought forth examples of accounts in which they believed you displayed verbal or physical conduct that had the purpose or effect of unreasonably interfering with their work performance. Witnesses described instances of you being insubordinate, bullying, and making inappropriate comments to others routinely. This conduct led to intra-squad fighting and low morale. Additionally, the investigation substantiation that your persistent refuse to support the community policing focus resulted in further division and lack of teamwork among NRS.

Officer Schneider, you engaged in harassing behavior by repeated statements that you refused to ride with certain members of the squad, that often you wouldn't respond to Officers on the squad about work matters, in some cases you seemed to be specifically acting in opposition of what was necessary to accomplish the work mission at hand. Additionally, there was a significant event that occurred in approximately March 2016, that had come to be referred to as the "Chair Incident". While the incident was not fully investigated at the time as it should have been, there were witnesses that were present at the time it occurred. The incident was significant enough that it was discussed at length and had clearly impacted those who had witnessed it happen, as well as the involved officers individually, and the squad as a whole. Physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment constitutes prohibited harassment. Based on the evidence of this investigation, the finding on the allegation of Workplace Harassment is **SUSTAINED**.

PREVIOUS DISCIPLINARY ACTIONS

None

POLICY VIOLATION

Your actions/performance are in violation of the following **City of Glendale Human Resources Policies & Procedures:**

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 503 – Workplace Harassment:

I. PURPOSE

The City of Glendale prohibits conduct which creates an intimidating, hostile, or offensive work environment and is committed to providing an environment free of harassment and violence.

II. PROCESS

A. Prohibited Harassment

1. Prohibited Acts

- a. Each employee has a responsibility to maintain a workplace free from harassment. Prohibited harassment includes, but is not limited to, intimidation or persistent abuse of another, whether physically, verbally or in writing.
- b. Employees who are determined to have harassed another person, in violation of the City's policy and procedure, while pursuing a City activity, through City employment, or using City authority shall be subject to disciplinary action. Employees who are determined to have vindictively and intentionally made a false complaint of prohibited harassment shall be subject to disciplinary action.
- c. It is forbidden to retaliate against a person for filing a prohibited harassment charge. Employees found to be retaliating against another employee shall be subject to disciplinary action.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Continued incidents of minor insubordination
 - Disorderly conduct causing disruption of work unit or task
- Conduct unbecoming of a City employee
 - Abusive attitude, language or rude, demeaning, or disparaging conduct toward employees
- Unauthorized physical restraint or contact, or verbal or physical attack upon another employee, contractor or any other person or the attempt to do so, while on duty, or during the scheduled work day

SUMMARY

Your conduct is unbecoming of a City of Glendale employee and has not been in keeping with the high standards of performance that have been established for this Department. Your behavior is inconsistent with the manner in which the Department expects its officers to perform. Your actions were in violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders.

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

EMPLOYEE ASSISTANCE PROGRAM

I would like to make you aware that the City's Employee Assistance Program (EAP) is available to you through EAP Preferred. I have attached a brochure for your information. This program provides professional support services designed to help people cope with a variety of personal and work-related issues. They offer confidential services and are available 24 hours a day. I would advise you to take advantage of this resource should you find the need to do so.


DUE PROCESS

In accordance with Glendale Police Department General Order 22.160, you may exercise the right to have this Written Reprimand reviewed by the Board of Inquiry or you may request a hearing with the Chief of Police. If you decide to have the matter heard by the Board of Inquiry you must submit a written statement to the Chief formally requesting the hearing. This statement must outline the basis for the appeal. Should you decide to exercise one of the above-mentioned options, please notify Claire Hueg, Management Aide to the Chief of Police, at 623-930-3059 within ten [10] calendar days from receipt of this Written Reprimand. Failure to request a hearing before the Board of Inquiry or a meeting with the Chief of Police by this deadline forfeits your right to exercise either option.

This disciplinary action is not appealable to the Personnel Board and is not grievable under the City's grievance procedure. You may respond in writing to this disciplinary action and your response will become a part of this action.

This disciplinary action may be removed from your personnel file if sustained performance/behavior improvement has been observed for one (1) year after this action. The Professional Standards Unit will retain this document per State Retention Laws and the Memorandum of Understanding. The purging of this disciplinary document is not automatic. After one year, it is your responsibility to request, in writing to your supervisor, the removal of this discipline from your personnel file.

Acknowledgement of Receipt:


Matthew Schneider

June 29th, 2018

Served by:

 9286

Brandon Blanco, Police Commander

6/29/18

June 29th, 2018

Attachments:

1. Administrative Investigation DI2017-055
2. City of Glendale Human Resources Policies and Procedures #504
3. City of Glendale Human Resources Policies and Procedures #513
4. City of Glendale Human Resources Policies and Procedures #503



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

Received & By Employee

AUG 01 2008

DATE: July 10, 2008
TO: Matthew Schneider, Police Officer #12251
FROM: Steve Conrad, Chief of Police
SUBJECT: **ADDENDUM TO INTENT TO SUSPEND WITHOUT PAY FOR ONE WORK DAY (8 HOURS)**

This memo is an addendum to the Notice of Suspension you were served on July 9, 2008. The Notice you were served incorrectly lists the appeal deadline date as July 22nd by 5:00 p.m. The correct appeal deadline date should be listed as July 19, 2008 by 5:00 p.m.

Acknowledgement of Receipt:

Matthew Schneider, Police Officer #12251 7-10-08
Date Received

Served by:

Sgt. M. McQuinn 8135 7/10/08
Supervisor name and serial number Date Served



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

By En

JUL 17 2008

For Personnel file

By: *[Signature]*

DATE: June 26, 2008
TO: Matthew Schneider, Police Officer #12251
FROM: Steve Conrad, Chief of Police *[Signature]*
SUBJECT: NOTICE OF SUSPENSION WITHOUT PAY FOR ONE WORK DAY (8 HOURS)

This memorandum serves as a Notice of Suspension without pay for one work day (8 hours) from your position as a Police Officer with the City of Glendale. This action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation 2008-028 into allegations that you ordered the destruction of personal property which was part of an investigation and should not have been destroyed. The findings of this investigation sustained the allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

On June 10, 2008, you were served with a Notice of Intent to Suspend without Pay for one work day (8 hours) and given an opportunity to respond to me by June 17, 2008. You did not respond to me by that date; therefore, I have decided to move forward to suspend you without pay for one work day (8 hours). For additional information regarding the specifics of this disciplinary action, please refer to Attachments 1-7, which were provided to you with your Notice of Intent to Suspend.

BACKGROUND

On September 12, 2007, you authorized the destruction of personal property that was seized from a residence during a search warrant. You believed this property to be contraband. It was noted that the County Attorney's Office turned down the case and sent documentation indicating this to the Glendale Police Department as they felt there was insufficient evidence to convict the owner of the property. There was no court paperwork authorizing the property to be destroyed nor was the property considered contraband.

The Glendale Police Department conducted an Administrative Investigation [2008-028] into allegations that you violated General Order 22.057.B, Seized Property and Evidence. During the interview, you admitted that you did authorize the destruction of the personal property seized in this case as you believed it to be property used in the commission of a felony. You also admitted that you called the County Attorney's Office to question them as to why they were not going to prosecute the case, so you were aware they had turned down the case due to lack of evidence. This investigation confirmed that you had the knowledge, training, and experience in the processing of items of evidence and personal property and that you have been issued other Evidence

Review Packets in the past in which you have both purged and retained property. You stated that you now understand that the items should not have been destroyed.

The investigation of this incident has shown you violated Glendale Police Department General Orders when you destroyed personal property which was part of an investigation even though you were aware that the County Attorney's Office found that there was insufficient evidence to prosecute the owner of the property. This is a major deficiency, as defined in the City of Glendale Human Resources Policies and Procedures, and constitutes negligent and careless job performance. Therefore, the allegation against you was sustained.

PREVIOUS DISCIPLINARY HISTORY

On January 23, 2008, you were investigated for failing to follow department orders and directives, Administrative Investigation 2008-013. As a result of this investigation, you received a **One-Day Suspension**.

On November 26, 2005, you were investigated for unbecoming conduct, Administrative Investigation 2005-208. As a result of this investigation, you received a **Letter of Counsel**.

VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Continued performance deficiencies after previous disciplinary action.
- Conduct unbecoming of a City employee.
 - On or off duty conduct which may bring discredit to employees of the City.
- Negligence or careless job performance.

Your conduct is also in violation of the following Glendale Police Department General Orders:

22.057.B Seized Property and Evidence

- B. Employees shall not convert to their own use, manufacture, conceal, falsify, destroy, remove, tamper with, or withhold any property or evidence in connection with an investigation, or other police action, except in accordance with established department procedures

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees. You failed to follow policy when you authorized the destruction of personal property which was part of an investigation and should not have been destroyed. This is inexcusable of a City of Glendale Police Officer and constitutes major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your disregard for Department and City rules and regulations, I am moving forward to suspend you without pay for one work day (8 hours). You will serve your suspension on July 8, 2008.

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

DUE PROCESS

You are hereby notified that Human Resources Policies and Procedures 513.F.2.f., gives you ten (10) calendar days from receipt of this letter in which to file a written Notice of Appeal of this action to the City Personnel Board. This Notice should be directed to Alma Carmicle, Human Resources Director, 5850 West Glendale Avenue, Glendale, Arizona 85301. Failure to file a written Notice of Appeal by 5:00 p.m. on JULY 22 2008 waives all procedural due process rights and terminates the right to a hearing relative to your suspension.

Acknowledgement of Receipt:

Matthew Schneider 12251
Matthew Schneider, Police Officer #12251

7-9-08
Date Received

Served by: St Frank Balko 4165
Supervisor name and serial number

7-9-08
Date Served

MAY 20 2008



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

DATE: May 1, 2008
TO: Matthew Schneider, Police Officer #12251
FROM: Steve Conrad, Chief of Police *SC*
SUBJECT: NOTICE OF SUSPENSION WITHOUT PAY FOR ONE WORK DAY
(8 HOURS)

This memorandum serves as a Notice of Suspension without pay for one work day (8 hours) from your position as a Police Officer with the City of Glendale. This action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation 2008-013 into allegations that you failed to follow a direct order given to you by a supervisor which resulted in injury to a fellow employee. The finding of this investigation sustained the allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

On March 25, 2008, you were served with a Notice of Intent to Suspend without Pay for one work day (8 hours) and given an opportunity to respond to me by April 2, 2008. You did not respond to me by that date; therefore, I have decided to move forward to suspend you without pay for one work day (8 hours). For additional information regarding the specifics of this disciplinary action, please refer to Attachments 1-6, which were provided to you with your Notice of Intent to Suspend.

BACKGROUND

On January 23, 2008, Sgt. McCauslin observed you opening and closing your pocket knife while you were sitting at your desk. He told you to put the knife away, which you failed to do. A short time later, another officer who was unaware of your knife walked by and hit you in the chest in such a way as to get your attention. Since you still had your knife out when the officer did this, he hit the knife blade with his hand, cutting his hand severely.

The Glendale Police Department conducted an Administrative Investigation [2008-013]. You were interviewed and admitted that Sgt. McCauslin had told you to put the knife away but you did not follow his direction as you thought he was, "...messing around." The investigation found that had you put the knife away as directed, this accident would not have occurred. It was determined that you violated General Order 22.053, Orders and Directives and General Order 22.040, Unbecoming Conduct. You failed to follow a direct order given to you by a supervisor, resulting in a serious, disabling injury to another Glendale Police Department employee. Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy.

You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees. Therefore, the allegations against you are sustained.

PREVIOUS DISCIPLINARY ACTIONS

On November 26, 2005, you were investigated for Unbecoming Conduct, Administrative Investigation 2005-208. As a result of this investigation, you received a **Letter of Counsel**.

VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

No. 513 – Disciplinary System, Section II.E.2 Major Deficiencies

These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

- Major Insubordination
 - Disobedience or refusal to obey a reasonable order or direction
 - Neglect or carelessness resulting in injury or damage
- Conduct unbecoming of a City employee
 - On or off duty conduct which may bring discredit to employees of the City
- Negligence or careless job performance
- Unauthorized display or discharge of firearms, deadly weapons, dangerous instruments, or harmful weapons while on duty or while on the work site, at any time.

Your conduct is also in violation of the following **Glendale Police Department General Orders**:

22.053.D Orders and Directives

Failure to obey a direct and lawful order constitutes insubordination.

22.040.A Unbecoming Conduct

Unbecoming conduct is any conduct that adversely affects either the public confidence in the ability of the Department to provide necessary services to the community, or the morale and/or efficient operation of the Department.

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees. You failed to obey a supervisor's direct order to put away a pocket knife and your actions resulted in a serious, disabling injury to another employee. Your behavior and judgment are inconsistent with the manner in which the Department expects its officers to perform.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your disregard for Department and City rules and regulations, I am moving forward to suspend you without pay for one work day (8 hours). You will serve your suspension on May 9, 2008.

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

DUE PROCESS

You are hereby notified that Human Resources Policies and Procedures 513.F.2.f., gives you ten (10) calendar days from receipt of this letter in which to file a written Notice of Appeal of this action to the City Personnel Board. This Notice should be directed to Alma Carmicle, Human Resources Director, 5850 West Glendale Avenue, Glendale, Arizona 85301. Failure to file a written Notice of Appeal by 5:00 p.m. on 5-26-08 waives all procedural due process rights and terminates the right to a hearing relative to your suspension.

Acknowledgement of Receipt:

Matthew Schneider #12251 5-6-08
Matthew Schneider, Police Officer #12251 Date Received

Served by:

St. J. Dalkow 4165 5-6-08
Supervisor name and serial number Date Served

MAY 20 2008



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

For Personnel File

DATE: May 12, 2008
TO: Matthew Schneider, Police Officer #12251
FROM: Steve Conrad, Chief of Police
SUBJECT: ADDENDUM TO NOTICE OF SUSPENSION WITHOUT PAY FOR
ONE WORKDAY (8 HOURS)

This memo is an addendum to the Notice of Suspension you were served on May 6, 2008. The Notice you were served incorrectly lists the appeal deadline date as May 20th by 5:00 p.m. The correct appeal deadline date should be listed as May 16, 2008 by 5:00 p.m.

Acknowledgement of Receipt:


Matthew Schneider, Police Officer #12251

5-13-08
Date Received

Served by:


Supervisor name and serial number

4165

5-13-08
Date Served



a memorandum from the

Glendale Police Department

Integrity • Courage • Excellence • Respect • Compassion • Dedication

RECEIVED

DATE: March 19, 2008
TO: Matthew Schneider, Police Officer #12251
FROM: Steve Conrad, Chief of Police
SUBJECT: NOTICE OF INTENT TO SUSPEND WITHOUT PAY FOR ONE WORK DAY (8 HOURS)

MAR 28 2008

City of Glendale
Employee Relations

The purpose of this memorandum is to inform you of my intent to suspend you without pay for one work day (8 hours) from your position as a Police Officer with the City of Glendale. This intended action is based on your violation of City of Glendale Human Resources Policies and Procedures and Glendale Police Department General Orders. The Glendale Police Department conducted Administrative Investigation [2008-013] into allegations that you failed to follow a direct order given to you by a supervisor which resulted in injury to a fellow employee. The finding of this investigation sustained the allegations made against you. Your misconduct constitutes major performance deficiencies and gross negligence in the performance of your job responsibilities.

BACKGROUND

On January 23, 2008, Sgt. McCauslin observed you opening and closing your pocket knife while you were sitting at your desk. He told you to put the knife away, which you failed to do. A short time later, another officer who was unaware of your knife walked by and hit you in the chest in such a way as to get your attention. Since you still had your knife out when the officer did this, he hit the knife blade with his hand, cutting his hand severely.

The Glendale Police Department conducted an Administrative Investigation [2008-013]. You were interviewed and admitted that Sgt. McCauslin had told you to put the knife away but you did not follow his direction as you thought he was, "...messing around." The investigation found that had you put the knife away as directed, this accident would not have occurred. It was determined that you violated General Order 22.053, Orders and Directives and General Order 22.040, Unbecoming Conduct. You failed to follow a direct order given to you by a supervisor, resulting in a serious, disabling injury to another Glendale Police Department employee. Your actions clearly impact the efficient operation of the Department. Your conduct in this incident demonstrates a serious lack of judgment and is unbecoming of a Glendale police officer. You clearly violated policy. You have displayed conduct that not only causes the public to lose trust in the employees of the Glendale Police Department, but also affects the day-to-day operations of this organization, as well as the morale of its employees. Therefore, the allegations against you are sustained.

PREVIOUS DISCIPLINARY ACTIONS

On November 26, 2005, you were investigated for Unbecoming Conduct, Administrative Investigation 2005-208. As a result of this investigation, you received a **Letter of Counsel**.

VIOLATIONS

Your conduct demonstrates major performance deficiencies and is in violation of the following **City of Glendale Human Resources Policies and Procedures**:

No. 504 – Employee Conduct

Employees shall at all times conduct themselves in a way that reflects favorably on the public they serve. The City upholds, promotes, and demands the highest standards of ethics from all of its employees. Employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, avoid any improprieties in their roles as public employees, and never use their City position or power for improper personal gain. All employees are expected to respect and comply with all federal, state, and local laws, including all municipal policies, rules, regulations, directives, and procedures.

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These are acts that involve questions of trust or honesty, constitute a threat to the orderly City operations or pose a threat to the health, welfare or safety of employees or other individuals.

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 - Neglect or carelessness resulting in injury or damage
- Conduct unbecoming of a City employee
 - On or off duty conduct which may bring discredit to employees of the City
- Negligence or careless job performance
- Unauthorized display or discharge of firearms, deadly weapons, dangerous instruments, or harmful weapons while on duty or while on the work site, at any time.

Your conduct is also in violation of the following **Glendale Police Department General Orders**:

22.053.D Orders and Directives

Failure to obey a direct and lawful order constitutes insubordination.

22.040.A Unbecoming Conduct

Unbecoming conduct is any conduct that adversely affects either the public confidence in the ability of the Department to provide necessary services to the community, or the morale and/or efficient operation of the Department.

SUMMARY

Your actions described in this Notice are not in keeping with the image and high standards of performance expected of City employees. You failed to obey a supervisor's direct order to put away a pocket knife and your actions resulted in a serious, disabling injury to another employee. Your behavior and judgment are inconsistent with the manner in which the Department expects its officers to perform.

Your actions constitute major performance deficiencies in violation of City of Glendale Human Resources Policies and Procedures and Police Department General Orders. As a result of your disregard for Department and City rules and regulations, it is my intent to suspend you without pay for one work day (8 hours).

You are further notified that immediate and sustained improvement in your job performance is expected. Your failure to adhere to the direction provided in this memo or other performance deficiencies will not be tolerated and will result in further disciplinary action, up to and including termination.

EMPLOYEE ASSISTANCE PROGRAM

I would like to make you aware that the City's Employee Assistance Program (EAP) is available to you through APS Healthcare. I have attached a brochure for your information. This program provides professional support services designed to help people cope with a variety of personal and work related issues. They offer confidential services and are available 24 hours a day. I would advise you to take advantage of this resource should you find the need to do so.

DUE PROCESS

Be advised that in accordance with the City of Glendale Human Resources Policies and Procedures, Section 513.II.F.2.d, you have the right to respond orally or in writing, to this intended action within five (5) working days of receipt of this Notice. If you intend to exercise this right, your response, either written or verbal, must be received by me, Steve Conrad, Chief of Police, through Stephanie Haholy, Management Aide to the Chief of Police at the Public Safety Building, 6835 N. 57th Drive, Glendale, Arizona 85301, (623) 930-3059, by 5:00 p.m. on 4-2-08. Failure to respond within that time period forfeits your right to respond.

Matthew Schneider
Intent to Suspend for 1 workday
March 2008
Page 4 of 4

Acknowledgement of Receipt:

MS 12251 3/25/08
Matthew Schneider, Police Officer #12251 Date Received

Served by:

Sgt F. Harkon 4165 3/25/08
Supervisor name and serial number Date Served

Attachments:

1. Administrative Investigation 2008-013
2. City of Glendale Human Resources Policies and Procedures #504
3. City of Glendale Human Resources Policies and Procedures #513
4. City of Glendale Police Department General Order 22.053.D
5. City of Glendale Police Department General Order 22.040.A
6. Employee Assistance Program Brochure

Glendale Police Department

Investigation Report

Case Type: Complaint **Case #:** 2008-013
Call Type: Internal **Incident Date:** 01/23/2008 **Time:**
Origin: Supervisor Initiated **Date Reported:** 01/23/2008 **Time:**
Report #: N/A
Location: 6835 N. 57th Drive
Address:
Status: Pending Discipline **Date Closed:**

Complainant(s)

Complainant: Glendale Police Department
Address: 6835 N. 57 Dr.
City: Glendale **State:** Az **Zip:** 85301
Work Phone 623-930-3000

Notes:

Witness(es)

Witness: [REDACTED] **Employee ID:** [REDACTED]
Address:
City: **State:** **Zip:**
E-Mail Address [REDACTED]

Notes:

Witness: Rebholz, John **Employee ID:** 12374
Address:
City: **State:** **Zip:**
E-Mail Address JRebholz@GLENDALEAZ.com

Notes:

Employee(s)

Employee: Schneider, Matthew **ID:** 12251
Supervisor: McCauslin, Marc A **ID:** 08135

Notes:

Allegations

Type: General Order **Title/Name:** G.O. 22.053 Orders and Directives
Violation: 22.053.G.1-Failure to obey a direct and lawful order.
Finding: Sustained **Finding Date:**

Notes:

Type: General Order **Title/Name:** G.O. 22.040 Unbecoming Conduct
Violation: 22.040-Any conduct that adversely affects the morale and/or efficient operation of the Department.
Finding: Sustained **Finding Date:** 02/20/2008

Notes:

Details

Employee Assignment: Gateway/Patrol
Employee Shift: Swingshift
Employee Status: Sworn
Employee Rank: Non Supervisor

Assignments

Group: Sergeants/First Line Supervisor **Assigned To:** McCauslin, Marc A
Role: Investigator **Assigned By:** Snell, Kirk D
Assign Date: 1/27/2008 **Due Date:** 3/27/2008
Completion Date: 2/5/2008 **Recommendation:** Sustained

Notes:

Group: PSU **Assigned To:** Copeland, Kathleen E
Role: Reviewer **Assigned By:** McCauslin, Marc A
Assign Date: 2/5/2008 **Due Date:**
Completion Date: 2/11/2008 **Recommendation:**

Notes:

Group:	Sergeants/First Line Supervisor	Assigned To:	McCauslin, Marc A
Role:	Investigator	Assigned By:	Copeland, Kathleen E
Assign Date:	2/11/2008	Due Date:	
Completion Date:	2/22/2008	Recommendation:	

Notes:

Returned to Sgt McCauslin for clarification and possible follow up.

Completed as requested. MM8135

Group:	Lieutenants/Managers	Assigned To:	Balkcom, Frank
Role:	Reviewer	Assigned By:	Copeland, Kathleen E
Assign Date:	2/13/2008	Due Date:	
Completion Date:	2/20/2008	Recommendation:	Agree

Notes:

Updated 2/20/2008 7:25:56 AM by 04165:

Group:	Commanders	Assigned To:	Weiss, Karl D
Role:	Reviewer	Assigned By:	Copeland, Kathleen E
Assign Date:	2/13/2008	Due Date:	2/20/2008
Completion Date:	2/20/2008	Recommendation:	Agree

Notes:

Commander Weiss: I would agree with sustaining the allegation of Failure to Follow an Order. Officer Schnieder indicated that he felt that Sgt. McCauslin was joking when he directed him to put his knife away however his failure to do as directed played a significant role in [REDACTED] sustaining a injury to his hand.

Group:	Assistant Chief/Director	Assigned To:	Black, Debora L
Role:	Reviewer	Assigned By:	Copeland, Kathleen E
Assign Date:	2/19/2008	Due Date:	
Completion Date:	2/19/2008	Recommendation:	Agree

Notes:

Group:	Chief	Assigned To:	Conrad, Steven
Role:	Reviewer	Assigned By:	Copeland, Kathleen E
Assign Date:	2/20/2008	Due Date:	
Completion Date:	2/20/2008	Recommendation:	Sustained

Notes:

Chief Conrad concurs with the finding of sustained. He noted that had Officer Schneider immediately acted as he was directed to by his supervisor this incident would have been avoided. Due to his failure to do so another officer was injured to the extent that he required surgery and has been unable to return to work in a full duty capacity. It is clear his actions affected the efficient operations of the Department. To stress the seriousness of this Chief Conrad has directed that a 3 day suspension be the disciplinary action.

Group:	PSU	Assigned To:	Standard, Michelle
Role:	Reviewer	Assigned By:	Copeland, Kathleen E
Assign Date:	2/28/2008	Due Date:	
Completion Date:		Recommendation:	

Notes:

For preparation of 24 hour suspension
03/04/2008 Forwarded Intent to Suspend to Lt. Copeland for review. Following Lt. review Intent to Suspend forwarded to Adam Beghtol (HR) for review.

Group:	HR	Assigned To:	Beghtol, Adam S
Role:	Reviewer	Assigned By:	Standard, Michelle
Assign Date:	3/4/2008	Due Date:	
Completion Date:		Recommendation:	

Notes:

Notifications

Exhibits

Narrative:

EXECUTIVE SUMMARY by Sgt. Marc McCauslin

Allegation #1: G.O. 22.053.D

D. Failure to obey a direct and lawful order constitutes insubordination.

Sanctions: Failure to obey a direct and lawful order. CLASS 4

On 1/23/08 Officer Matt Schneider was observed handling his pocket knife opening and closing the blade. Officer Schneider was told by his supervisor to put the knife away to avoid cutting himself. Officer Schneider did not comply immediately and minutes later [REDACTED]

██████ walked up to Officer Schneider and attempted to hit him in the chest in order to get his attention. ██████ was unaware that Officer Schneider was holding the knife. The back of ██████ hand struck the blade cutting him.

Allegation #2: G.O. 22.040.A

- A. *Unbecoming conduct is any conduct that adversely affects either the public confidence in the ability of the Department to provide necessary services to the community, or the morale and/or efficient operation of the Department.*

Sanction: Counseling to Termination

Allegation 2 was added at the direction of Chief Conrad as he believes the disabling injury to another officer clearly impacts the efficient operation of the Department.

INTERVIEWS

Investigative Statement Prepared by Sgt. Marc McCauslin On 1/23/2008:

The following is the contents of the memorandum I forwarded to Comm. Weiss on 1/23. I have made a few word changes so there will be slight differences.

I arrived at work on 1/23/2008 at 1200 hours where I met with the officers that were working this day. The officers were, ██████ Matt Schneider and John Rebholz. I was intermittently talking with the officers about the day's events and checking e-mail in my office. I was also wrapping up a few details prior to leaving the station to go to the Super Bowl meeting.

During one of my contacts with the officers I noticed that Officer Matt Schneider had his pocket knife out. He was opening and closing the blade and fiddling with it as I have seen many people do. I told Officer Schneider to put the knife away before he cut his finger off. Officer Schneider said he would not hurt himself and said he was not another officer who had cut himself. I returned to my office.

A few moments later I heard what I believed to be ██████ make a noise as if he had been hurt. I heard another voice say, "What were you doing?" I was fearful something had happened yet hopeful a joke was being played on me.

I exited my office and went to the cubicle where the officers were now standing and I observed ██████ bent at the waist, holding his bloody right hand over the trash can and blood on the floor. Officers Schneider and Rebholz left the office to get paper towels for ██████. I asked ██████ how badly he was hurt. He removed the paper towels from his hand and I was able to see blood exit the wound at a rate I was not comfortable with. I was unable to see the extent of the cut.

I responded to the fire department and they asked if I could get the officer over to them. I retrieved ██████ from the office and escorted him over to fire. Officer Rebholz followed. The fire fighters cleaned and bandaged the wound and advised that he might need stitches. They provided me with the address and number to the occupational health office at 5601 W Eugie and advised they would be much quicker than going to the hospital. Upon completing this time the three of us returned to the office.

I then asked what happened. I did not ask earlier because I was more concerned with rendering aid. Officer Rebholz said he did not see what happened as he was sitting at another cubicle and his view was obstructed.

██████████ jokingly said that he cut himself while cutting a piece of paper at his desk. I asked ██████████ what really happened and he said that he walked from his cubicle to Officer Schneider's cubicle and reached out to hit him in the chest. ██████████ said he did not notice the knife in Officer Schneider's hand and he struck the blade with the back of his hand. ██████████ added that the events that transpired were his fault, he did not see the knife, and he should not have been hitting Officer Schneider. ██████████ asked if he could drive himself to the hospital and take care of this himself. ██████████ wanted to put all of the expenses on his insurance so the city would not have to pay for anything. I advised him that the incident occurred on duty, in a city building and in uniform so I had to run everything through the city channels.

I asked Officer Schneider what happened. Officer Schneider was visibly upset. Officer Schneider advised that he was in the process of putting his knife away when ██████████ approached and attempted to hit him. ██████████ hit the blade of the knife and cut the back of his hand. Officer Schneider took responsibility saying that he was told to put the knife away and he did not. Had he put the knife away when he was told, this never would have happened.

I called the department's safety officer, Officer Julie Reed and advised her of what had happened. She advised that ██████████ could go to the occupational health on Eugie. I completed the COG Accident/Injury form and forwarded it to Officer Reed via e-mail. I have not as of yet (1/23) forwarded it to Risk Management.

I requested Angela Downey transport ██████████ to the occupational health facility as I did not want ██████████ driving and I was to be at a scheduled mandatory meeting. At the first break during the meeting I advised Lt. Balkcom of the incident. A short time later I was contacted by Commander Weiss who asked what had happened. I briefed him on the situation and he suggested I contact PSU to see how they wanted to handle it. I spoke with Sgt. McDaniel with PSU who said he would research it and call me back. Sergeant McDaniel advised that there was no policy governing the use or display of knives. The only sections of policy he could recommend for possible violation were "Conduct Unbecoming" and "Failure to Obey a Directive or Order." He suggested I speak with my Lt. to determine the next course of action. Lieutenant Balkcom was advised of this information. I also received a phone call from Comm. Weiss requesting an update and he too was advised.

I was contacted when ██████████ was released from the occupational health center. I was advised that ██████████ received four (4) stitches, he was released to full duty starting 1/24 and his only restriction was to "avoid excessive gripping." ██████████ was advised to keep the wrapping and bandage on his hand until his follow up visit on Friday, 1/25. Because this is on his right hand and can interfere with his using his firearm, etc., I instructed ██████████ that he was to report for work in civilian clothes and work with the TAG officer, or to do other tasks as needed by staff, until the bandage was removed.

Investigative Update Statement Prepared by Sgt. McCauslin on 1/29/2008:

██████████ went in for his follow up appointment on 1/25, Friday, and the Doctor

discovered that [REDACTED] could not completely, independently straighten his right index finger and referred him to a specialist. Friday afternoon the specialist advised that tendons had been cut in the back of [REDACTED] hand which would require surgery. On Monday, 1/28, [REDACTED] had surgery to repair tendon and muscle damage. The surgery is said to have gone well. On Tuesday, 1/29, [REDACTED] had a follow up appointment. [REDACTED] has been told to stay home and keep his hand elevated. [REDACTED] has a cast on his arm from the elbow down. [REDACTED] has been told that he will be off of work for four to six weeks for recovery.

Investigative Update Statement Prepared by Sgt. McCauslin on 2/12/2008:

I was requested by PSU to clarify some points.

The meeting I had with the three officers was informal. [REDACTED] was at his cubicle, on the far east side of the office, on the telephone, Officer Schneider was sitting on his desk, next to [REDACTED] facing south, Officer Rebholz was sitting at one of the computer stations on the south wall, across from Officer Schneider's desk, and I was standing between the cubicles and the computer stations just west of the three of them.

Though Officer Schneider did not immediately comply with my order, I did expect that he would put the knife away. I stood at the described location for only a few seconds after telling Officer Schneider to put it away before returning to my office. This was the beginning of the shift and I had many e-mail to read, etc. I did not wait for Officer Schneider to put the knife away, nor did I repeat myself. Upon returning to my office I was unaware of the status of the knife.

INTERVIEWS by Sgt. Marc McCauslin

Interview of Officer Matt Schneider

I issued a Notice of Investigations and interviewed Officer Schneider in my office on 1/31/08 at about 1230 hours. I told Officer Schneider that I had already gotten a brief statement from him and I had included that information in my narrative. I told Officer Schneider that I needed to get an actual interview from him. I asked Officer Schneider what happened.

Officer Schneider advised that he was sitting at his desk opening his knife and putting it away, opening it and putting it away. He said that I (Sgt. McCauslin) had told him to put it away and he did not.

About fifteen minutes later [REDACTED] walked by. Officer Schneider believes he was walking from west to east in the office. Officer Schneider said that [REDACTED] reached out to hit Officer Schneider in the chest. Officer Schneider made a motion with his right hand; demonstrating moving his open hand from his chest outward with the palm of his hand facing him and the back of his hand facing out. Officer Schneider said that this was done as if [REDACTED] was asking him if he was ready to go hit the street, or to get his attention. Officer Schneider said he still had his knife out and [REDACTED] hit the blade with his hand. Officer Schneider thought that [REDACTED] was playing around at first because he did not think that [REDACTED] hit the knife. When he realized that [REDACTED] was cut he went to get paper towels to render aid.

I clarified that the "hit" was more of a flick to the chest with the back of the hand rather than a

closed fist straight or overhand punch motion. Officer Schneider confirmed this was accurate. I asked Officer Schneider where and how he was holding the knife. Officer Schneider was not certain, however, said that the knife was in front of him and he was in the process of putting it away. In doing so, Officer Schneider believes the knife was in front of him, about chest high pointing away from him with the edge of the blade facing up. Officer Schneider displayed to me how he would have been doing this. He would have been releasing the blade lock with the thumb of his right hand and folding the blade in with his left hand. The blade would have folded upward and back into the closed position.

I asked Officer Schneider if there was anything else he wanted to add and he said no. I asked if there was anything else he wanted staff to read and he added the following. Officer Schneider said the cutting was accidental. He stressed that there was no horseplay nor 'screwing around' like a lot of people have been saying. He said that [REDACTED] likely did not see the knife and if he had he likely would not have hit him.

Follow up interview

I spoke to Officer Schneider on 2/12/08 at about 1535 hours.

I asked Officer Schneider how much time elapsed between my telling him to put his knife away and the time [REDACTED] got cut. He said about 20 minutes. I asked what he was doing with the knife for 20 minutes. Officer Schneider said that he put the knife away and then took it back out. I told him that I was not aware that he had put it away and then taken it back out. I asked how much time passed from the time I told him to put it away to the time he did put it away and he estimated 5 minutes. I asked how long before he took it back out and he said about 10 minutes. Officer Schneider stressed that he was not sure of the time. It might have been longer and it might have been shorter, everything happened so fast.

I asked Officer Schneider why he did not do as I had asked and he said he thought I was "messing around." He recalled that my comment to him was something like, "put your knife away before you cut somebody's hand off."

Interview of [REDACTED]

On 1/31/08 at about 1730 hours I interviewed [REDACTED] via telephone. I asked [REDACTED] to tell me what happened. [REDACTED] said that he walked past Officer Schneider and was going to hit him in the chest. [REDACTED] reached out his right hand and he felt a sharp pain. He turned away and grabbed his hand. When he looked at it he saw that he was bleeding. I asked [REDACTED] to describe to me the best he could how he was going to hit Officer Schneider. [REDACTED] said he was not sure. Obviously the back of his hand was toward Officer Schneider. He said he hit him, bringing his hand from his waist up. I asked [REDACTED] what the intent was in hitting Officer Schneider. He said he was just hitting him, "like that. You know?" I asked if it was just a joking 'hey what's up' type of hit and he said it was.

I asked [REDACTED] if he heard me tell Officer Schneider to put his knife away. [REDACTED] said he did not hear that part. [REDACTED] was on his phone at his desk talking to Officer Pachico. [REDACTED] overheard someone say, "I am not Officer [REDACTED]" but did not know what the context was.

Note: Officer [REDACTED] practices a martial art involving knives. While practicing off duty, Officer [REDACTED] cut his hand open and was out of work for a time. Officer [REDACTED] was recently

on the same squad as Officers Schneider and [REDACTED]. The reply from Officer Schneider when I asked him to put the knife away was, "I am not Officer [REDACTED]. I am not going to cut myself."

Follow up interview

On 2/12/08 at about 1345 hours I asked [REDACTED] about how much time elapsed between when he heard the reference to Officer [REDACTED] and when he got hurt. I told him there was a question about the time estimated by others. [REDACTED] at first said he thought it was a couple of minutes. [REDACTED] stressed that he was not sure of the elapsed time. I asked if he thought it was 0-5 minutes, 5-10 minutes or 10-15 minutes. Again he said he was not sure. [REDACTED] said he thought it was less than 15 minutes.

Interview of Officer John Rebholz

On 1/31/08 at about 1815 hours I interviewed Officer John Rebholz in my office. I told Officer Rebholz that I recalled his saying that he did not see what happened but I need to do an interview. I asked Officer Rebholz what he saw and heard. Officer Rebholz advised that he was sitting in the cubicle which is one away from where Officer Schneider's cubicle is. Officer Rebholz was doing something at the desk and did not see what happened. He heard [REDACTED] say, "Oh" and when Officer Rebholz went to look he saw that [REDACTED] was bleeding. He said that I (Sergeant McCauslin) was there right after that.

I asked Officer Rebholz if he heard me tell Officer Schneider to put the knife away and he said he did. I asked if he knows whether or not Officer Schneider complied with this and he said he did not know. Officer Rebholz saw that Officer Schneider had the knife out at his desk when he was sitting at the computer desk across the walk way from him. Officer Rebholz moved to the cubicle shortly thereafter. Officer Rebholz said he next saw the knife on the ground after [REDACTED] was cut.

Follow up interview

I spoke to Officer Rebholz on 2/12/08 at about 1350 hours.

I asked Officer Rebholz about how much time passed between my telling Officer Schneider to put the knife away and [REDACTED] getting cut. Officer Rebholz estimated about five minutes. I asked Officer Rebholz if he heard Officer Schneider's response to my request and he said he did not. I asked Officer Rebholz if he knew if Officer Schneider complied with my request and he said he did not. He said he did not know the knife was out until the accident.

INVESTIGATORS STATEMENT by Sgt. Marc McCauslin

On 1/23/08 Officer Matt Schneider was told by Sergeant Marc McCauslin to put away a pocket knife that Officer Schneider was opening and closing. Officer Schneider did not immediately comply with this order. As a result another officer was injured. Through my interviews it appears that horseplay was not a factor in the injury.

CONCLUSION by Sgt. Marc McCauslin

Allegation #1: G.O. 22.053.D

D. Failure to obey a direct and lawful order constitutes insubordination.

Sanctions: Failure to obey a direct and lawful order. CLASS 4

Officer Schneider did fail to follow directions when Sergeant McCauslin told him to put his pocket knife away to avoid injury. This allegation is **sustained**.

Aggravating Factor(s)

_____ sustained a cut on the back of his right hand. Tendon(s) and muscle(s) were cut also resulting in an inability for _____ to straighten his right index finger. _____ had surgery to repair the damage. _____ will be off for an estimated six weeks.

Mitigating Factor(s)

_____ hit Officer Schneider in the chest in an effort to get his attention, thus incurring the injury. _____ took blame for the incident as had he not hit Officer Schneider, this would not have happened. _____ wanted to go to the hospital on his own and put everything on his own insurance and did not want the city to pay.

Officers Schneider and _____ are good friends at work as well as outside of work. Officer Schneider described _____ as "like a brother." Both officers feel terrible about the events and the results.

Officer Schneider did fail to follow an order given by his supervisor to, "put the knife away." Though the order was not followed this violation could have been handled at the squad level and no Departmental Investigation done had there been no injury.

Allegation #2: G.O. 22.040.A

A. *Unbecoming conduct is any conduct that adversely affects either the public confidence in the ability of the Department to provide necessary services to the community, or the morale and/or efficient operation of the Department.*

Sanction: Counseling to Termination

Allegation 2 was added at the direction of Chief Conrad as he believes the disabling injury to another officer clearly impacts the efficient operation of the Department. This allegation is **SUSTAINED**.

MATTHEW SCHNEIDER / OFFICER	<i>[Signature]</i> 12251	3-25-08
Name/Title (Print)	Signature	Date
Frank Balkcom LT.	<i>[Signature]</i> Balkcom	3-25-08
Name/Title (Print)	Signature	Date
Sam Weiss LT.	<i>[Signature]</i> Weiss	3-25-08
Name/Title (Print)	Signature	Date
Steve Conrad	<i>[Signature]</i> Conrad	3/18/08
Chief of Police	Signature	Date